

AMENDED IN SENATE APRIL 19, 2005

**SENATE BILL**

**No. 679**

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**Introduced by Senator Simitian**

February 22, 2005

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An act to amend Section 11400 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Simitian. Aid to Families with Dependent Children-Foster Care: group homes: definition.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including group homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with money from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Existing law designates the various placements which may be made for a child eligible for AFDC-FC benefits, including a licensed group home. Existing law defines a group home for purposes of the AFDC-FC program as a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, that provides services in a group setting to children in need of care and supervision.

This bill would also include within the definition of a group home for purposes of the AFDC-FC program a nondetention, publicly operated, *licensed* residential home with a capacity of up to 25 beds, that provides services in a group setting to children in need of care and supervision. This bill would provide that no appropriation shall be

made pursuant to the provision continuously appropriating funds for the AFDC-FC program, for the purposes of funding the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11400 of the Welfare and Institutions  
2 Code, as amended by Section 6 of Chapter 664 of the Statutes of  
3 2004, is amended to read:

4 11400. For the purposes of this article, the following  
5 definitions shall apply:

6 (a) “Aid to Families with Dependent Children-Foster Care  
7 (AFDC-FC)” means the aid provided on behalf of needy children  
8 in foster care under the terms of this division.

9 (b) “Case plan” means a written document that, at a minimum,  
10 specifies the type of home in which the child shall be placed, the  
11 safety of that home, and the appropriateness of that home to meet  
12 the child’s needs. It shall also include the agency’s plan for  
13 ensuring that the child receive proper care and protection in a  
14 safe environment, and shall set forth the appropriate services to  
15 be provided to the child, the child’s family, and the foster  
16 parents, in order to meet the child’s needs while in foster care,  
17 and to reunify the child with the child’s family. In addition, the  
18 plan shall specify the services that will be provided or steps that  
19 will be taken to facilitate an alternate permanent plan if  
20 reunification is not possible.

21 (c) “Certified family home” means a family residence certified  
22 by a licensed foster family agency and issued a certificate of  
23 approval by that agency as meeting licensing standards, and used  
24 only by that foster family agency for placements.

25 (d) “Family home” means the family residency of a licensee in  
26 which 24-hour care and supervision are provided for children.

27 (e) “Small family home” means any residential facility, in the  
28 licensee’s family residence, which provides 24-hour care for six  
29 or fewer foster children who have mental disorders or  
30 developmental or physical disabilities and who require special  
31 care and supervision as a result of their disabilities.

32 (f) “Foster care” means the 24-hour out-of-home care provided  
33 to children whose own families are unable or unwilling to care

1 for them, and who are in need of temporary or long-term  
2 substitute parenting.

3 (g) “Foster family agency” means any individual or  
4 organization engaged in the recruiting, certifying, and training of,  
5 and providing professional support to, foster parents, or in  
6 finding homes or other places for placement of children for  
7 temporary or permanent care who require that level of care as an  
8 alternative to a group home. Private foster family agencies shall  
9 be organized and operated on a nonprofit basis.

10 (h) “Group home” means a nondetention privately operated  
11 residential home, organized and operated on a nonprofit basis  
12 only, of any capacity, or a nondetention publicly operated,  
13 *licensed* residential home with a capacity of up to 25 beds, that  
14 provides services in a group setting to children in need of care  
15 and supervision, as required by paragraph (1) of subdivision (a)  
16 of Section 1502 of the Health and Safety Code.

17 (i) “Periodic review” means review of a child’s status by the  
18 juvenile court or by an administrative review panel, that shall  
19 include a consideration of the safety of the child, a determination  
20 of the continuing need for placement in foster care, evaluation of  
21 the goals for the placement and the progress toward meeting  
22 these goals, and development of a target date for the child’s  
23 return home or establishment of alternative permanent  
24 placement.

25 (j) “Permanency planning hearing” means a hearing conducted  
26 by the juvenile court in which the child’s future status, including  
27 whether the child shall be returned home or another permanent  
28 plan shall be developed, is determined.

29 (k) “Placement and care” refers to the responsibility for the  
30 welfare of a child vested in an agency or organization by virtue  
31 of the agency or organization having (1) been delegated care,  
32 custody, and control of a child by the juvenile court, (2) taken  
33 responsibility, pursuant to a relinquishment or termination of  
34 parental rights on a child, (3) taken the responsibility of  
35 supervising a child detained by the juvenile court pursuant to  
36 Section 319 or 636, or (4) signed a voluntary placement  
37 agreement for the child’s placement; or to the responsibility  
38 designated to an individual by virtue of his or her being  
39 appointed the child’s legal guardian.

1 (l) “Preplacement preventive services” means services that are  
2 designed to help children remain with their families by  
3 preventing or eliminating the need for removal.

4 (m) “Relative” means an adult who is related to the child by  
5 blood, adoption, or affinity within the fifth degree of kinship,  
6 including stepparents, stepsiblings, and all relatives whose status  
7 is preceded by the words “great,” “great-great,” or “grand” or the  
8 spouse of any of these persons even if the marriage was  
9 terminated by death or dissolution.

10 (n) “Nonrelative extended family member” means an adult  
11 caregiver who has an established familial or mentoring  
12 relationship with the child, as described in Section 362.7.

13 (o) “Voluntary placement” means an out-of-home placement  
14 of a child by (1) the county welfare department after the parents  
15 or guardians have requested the assistance of the county welfare  
16 department and have signed a voluntary placement agreement; or  
17 (2) the county welfare department licensed public or private  
18 adoption agency, or the department acting as an adoption agency,  
19 after the parents have requested the assistance of either the  
20 county welfare department, the licensed public or private  
21 adoption agency, or the department acting as an adoption agency  
22 for the purpose of adoption planning, and have signed a  
23 voluntary placement agreement.

24 (p) “Voluntary placement agreement” means a written  
25 agreement between either the county welfare department, a  
26 licensed public or private adoption agency, or the department  
27 acting as an adoption agency, and the parents or guardians of a  
28 child that specifies, at a minimum, the following:

29 (1) The legal status of the child.

30 (2) The rights and obligations of the parents or guardians, the  
31 child, and the agency in which the child is placed.

32 (q) “Original placement date” means the most recent date on  
33 which the court detained a child and ordered an agency to be  
34 responsible for supervising the child or the date on which an  
35 agency assumed responsibility for a child due to termination of  
36 parental rights, relinquishment, or voluntary placement.

37 (r) “Transitional housing placement facility” means either of  
38 the following:

39 (1) A community care facility licensed by the State  
40 Department of Social Services pursuant to Section 1559.110 of

1 the Health and Safety Code to provide transitional housing  
2 opportunities to persons at least 16 years of age, and not more  
3 than 18 years of age unless they satisfy the requirements of  
4 Section 11403, who are in out-of-home placement under the  
5 supervision of the county department of social services or the  
6 county probation department, and who are participating in an  
7 independent living program.

8 (2) A facility certified to provide transitional housing services  
9 pursuant to subdivision (e) of Section 1559.110 of the Health and  
10 Safety Code.

11 (s) “Transitional housing placement program” means a  
12 program that provides supervised housing opportunities to  
13 eligible youth pursuant to Article 4 (commencing with Section  
14 16522) of Chapter 5 of Part 4.

15 (t) “Crisis nursery” means a facility licensed to provide  
16 short-term, 24-hour nonmedical residential care and supervision  
17 for children under six years of age who are either voluntarily  
18 placed for temporary care by a parent or legal guardian due to a  
19 family crisis or stressful situation for no more than 30 days or,  
20 except as provided in subdivision (e) of Section 1516 of the  
21 Health and Safety Code, who are temporarily placed by a county  
22 child welfare service agency for no more than 14 days.

23 (u) This section shall remain in effect only until January 1,  
24 2008, and as of that date is repealed, unless a later enacted  
25 statute, that is enacted before January 1, 2008, deletes or extends  
26 that date.

27 SEC. 2. Section 11400 of the Welfare and Institutions Code,  
28 as added by Section 7 of Chapter 664 of the Statutes of 2004, is  
29 amended to read:

30 11400. For the purposes of this article, the following  
31 definitions shall apply:

32 (a) “Aid to Families with Dependent Children-Foster Care  
33 (AFDC-FC)” means the aid provided on behalf of needy children  
34 in foster care under the terms of this division.

35 (b) “Case plan” means a written document that, at a minimum,  
36 specifies the type of home in which the child shall be placed, the  
37 safety of that home, and the appropriateness of that home to meet  
38 the child’s needs. It shall also include the agency’s plan for  
39 ensuring that the child receive proper care and protection in a  
40 safe environment, and shall set forth the appropriate services to

1 be provided to the child, the child's family, and the foster  
2 parents, in order to meet the child's needs while in foster care,  
3 and to reunify the child with the child's family. In addition, the  
4 plan shall specify the services that will be provided or steps that  
5 will be taken to facilitate an alternate permanent plan if  
6 reunification is not possible.

7 (c) "Certified family home" means a family residence certified  
8 by a licensed foster family agency and issued a certificate of  
9 approval by that agency as meeting licensing standards, and used  
10 only by that foster family agency for placements.

11 (d) "Family home" means the family residency of a licensee in  
12 which 24-hour care and supervision are provided for children.

13 (e) "Small family home" means any residential facility, in the  
14 licensee's family residence, which provides 24-hour care for six  
15 or fewer foster children who have mental disorders or  
16 developmental or physical disabilities and who require special  
17 care and supervision as a result of their disabilities.

18 (f) "Foster care" means the 24-hour out-of-home care provided  
19 to children whose own families are unable or unwilling to care  
20 for them, and who are in need of temporary or long-term  
21 substitute parenting.

22 (g) "Foster family agency" means any individual or  
23 organization engaged in the recruiting, certifying, and training of,  
24 and providing professional support to, foster parents, or in  
25 finding homes or other places for placement of children for  
26 temporary or permanent care who require that level of care as an  
27 alternative to a group home. Private foster family agencies shall  
28 be organized and operated on a nonprofit basis.

29 (h) "Group home" means a nondetention privately operated  
30 residential home, organized and operated on a nonprofit basis  
31 only, of any capacity, or a nondetention publicly operated,  
32 *licensed* residential home with a capacity of up to 25 beds, that  
33 provides services in a group setting to children in need of care  
34 and supervision, as required by paragraph (1) of subdivision (a)  
35 of Section 1502 of the Health and Safety Code.

36 (i) "Periodic review" means review of a child's status by the  
37 juvenile court or by an administrative review panel, that shall  
38 include a consideration of the safety of the child, a determination  
39 of the continuing need for placement in foster care, evaluation of  
40 the goals for the placement and the progress toward meeting

1 these goals, and development of a target date for the child's  
2 return home or establishment of alternative permanent  
3 placement.

4 (j) "Permanency planning hearing" means a hearing conducted  
5 by the juvenile court in which the child's future status, including  
6 whether the child shall be returned home or another permanent  
7 plan shall be developed, is determined.

8 (k) "Placement and care" refers to the responsibility for the  
9 welfare of a child vested in an agency or organization by virtue  
10 of the agency or organization having (1) been delegated care,  
11 custody, and control of a child by the juvenile court, (2) taken  
12 responsibility, pursuant to a relinquishment or termination of  
13 parental rights on a child, (3) taken the responsibility of  
14 supervising a child detained by the juvenile court pursuant to  
15 Section 319 or 636, or (4) signed a voluntary placement  
16 agreement for the child's placement; or to the responsibility  
17 designated to an individual by virtue of his or her being  
18 appointed the child's legal guardian.

19 (l) "Preplacement preventive services" means services that are  
20 designed to help children remain with their families by  
21 preventing or eliminating the need for removal.

22 (m) "Relative" means an adult who is related to the child by  
23 blood, adoption, or affinity within the fifth degree of kinship,  
24 including stepparents, stepsiblings, and all relatives whose status  
25 is preceded by the words "great," "great-great," or "grand" or the  
26 spouse of any of these persons even if the marriage was  
27 terminated by death or dissolution.

28 (n) "Nonrelative extended family member" means an adult  
29 caregiver who has an established familial or mentoring  
30 relationship with the child, as described in Section 362.7.

31 (o) "Voluntary placement" means an out-of-home placement  
32 of a child by (1) the county welfare department after the parents  
33 or guardians have requested the assistance of the county welfare  
34 department and have signed a voluntary placement agreement; or  
35 (2) the county welfare department licensed public or private  
36 adoption agency, or the department acting as an adoption agency,  
37 after the parents have requested the assistance of either the  
38 county welfare department, the licensed public or private  
39 adoption agency, or the department acting as an adoption agency

1 for the purpose of adoption planning, and have signed a  
2 voluntary placement agreement.

3 (p) “Voluntary placement agreement” means a written  
4 agreement between either the county welfare department, a  
5 licensed public or private adoption agency, or the department  
6 acting as an adoption agency, and the parents or guardians of a  
7 child that specifies, at a minimum, the following:

8 (1) The legal status of the child.

9 (2) The rights and obligations of the parents or guardians, the  
10 child, and the agency in which the child is placed.

11 (q) “Original placement date” means the most recent date on  
12 which the court detained a child and ordered an agency to be  
13 responsible for supervising the child or the date on which an  
14 agency assumed responsibility for a child due to termination of  
15 parental rights, relinquishment, or voluntary placement.

16 (r) “Transitional housing placement facility” means either of  
17 the following:

18 (1) A community care facility licensed by the State  
19 Department of Social Services pursuant to Section 1559.110 of  
20 the Health and Safety Code to provide transitional housing  
21 opportunities to persons at least 16 years of age, and not more  
22 than 18 years of age unless they satisfy the requirements of  
23 Section 11403, who are in out-of-home placement under the  
24 supervision of the county department of social services or the  
25 county probation department, and who are participating in an  
26 independent living program.

27 (2) A facility certified to provide transitional housing services  
28 pursuant to subdivision (e) of Section 1559.110 of the Health and  
29 Safety Code.

30 (s) “Transitional housing placement program” means a  
31 program that provides supervised housing opportunities to  
32 eligible youth pursuant to Article 4 (commencing with Section  
33 16522) of Chapter 5 of Part 4.

34 (t) This section shall become operative on January 1, 2008.

35 SEC. 3. No appropriation pursuant to Section 15200 of the  
36 Welfare and Institutions Code shall be made for the purpose of  
37 funding this act.